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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,829	02/18/2004	Mark J. Mayer	134726 135824 GLOZ 2 0016	3764
27885	7590	04/05/2005	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			LEE, Y MY QUACH	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/780,829	Applicant(s) MAYER ET AL.	
	Examiner Y Quach Lee	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 8, 10-13 and 15-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-24 and 27 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 8, 10-12 and 25 is/are rejected.
- 7) ☒ Claim(s) 2, 5, 13, 26, 28 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/10/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments/Amendments

1. Applicant's remarks with respect to claims 1, 3, 8, and 10 to 12 have been considered but are moot in view of the new ground(s) of rejection.

Specification

2. The disclosure is objected to because of the following informalities: In the replaced paragraph beginning on page 2, line 33, the term "and" is not proper because the portion 22 is either translucent or transparent but not both. Note paragraph 3 of page 8 of the amendment of January 10, 2005, line 4, the reference numeral 22 can refer to either a translucent portion or a transparent portion. Appropriate correction is required.

Claim Objections

3. Claims 10, 26, 28 and 29 are objected to because of the following formalities: In claim 10, this claim is misdescriptive and/or inaccurate. In view of drawing figure 2 and the amendment to the paragraph beginning on page 4, line 27, the LED faces perpendicular to the direction that the translucent portion runs while the LED in claim 10 faces in a direction substantially perpendicular to the translucent portion. In claim 26, line 3, the term "that" is not proper and should be deleted. In claim 28, line 3, there is no clear antecedent basis for "said channel support". Note "a support" on line 1 of claim 28. Claim 29 depends on claim 28 and as such is also objected. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Murata et al.

Murata et al. show a lighting apparatus for homogenous lit appearance along the length of the apparatus comprising an elongated envelope (4) including a translucent portion (3, column 4, line 2, a light scatterable plate), the envelope defining a first axis along its length (the axis parallel to an axis along the LEDs), an LED (5) mounted in the elongate envelope, a reflector (6) positioned in relation to the LED such that light emitted from the LED is directed from the reflector toward the translucent portion of the envelope (column 3, lines 20 to 22, 25 to 27, ...), the reflector adapted to focus light in a second axis that is at least substantially perpendicular to the first axis (figures 1 and 3) and adapted to spread light emitted from the LED along the first axis (because the reflecting faces may be finished by spraying a paint mixed with fine power of metal which indicates that some light is capable of being spread), the LED facing a direction substantially perpendicular to the translucent portion of the envelope (figure 2), a second LED (5), and the LEDs positioned greater than 0.5 inches away from one another (figure 2).

6. Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by Mohacsi et al. (prior art previously cited).

Mohacsi et al. show a lighting apparatus for homogenous lit appearance along the length of the apparatus comprising an elongated envelope (74) defining a first axis along its length (the axis parallel to an axis along the LEDs) and having a general U shaped configuration in a cross section taken normal to the first axis (figures 1a and 3), the envelope including a translucent portion (paragraph 0029, lines 7 to 8) running at least substantially parallel to the first axis, an opaque portion (14) adjacent the translucent portion, a plurality of LEDs (30) mounted in the envelope aligned with the first axis, a reflector (54) disposed adjacent the LEDs, the reflector shaped and positioned in relation to the LEDs such that light emitted from the LED is directed from the reflector toward the translucent portion of the envelope and dispersed along the translucent portion.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 1, 8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (prior art previously cited).

Ueda et al. show a lighting apparatus comprising an elongated envelope (12) including a transparent portion (19), the envelope defining a first axis along its length (figure 11), an LED (17) mounted in the elongate envelope, a reflector (16) positioned in relation to the LED such that light emitted from the LED is directed from the reflector toward the transparent portion of the envelope (column 9, lines 39 to 40), the reflector adapted to focus light in a second axis that is at least substantially perpendicular to the first axis (figure 1), the reflector being arcuate in a cross section taken substantially normal to the first axis, the LED facing a direction substantially perpendicular to the transparent portion of the envelope (figure 11), and the LED attached to a flexible power cord (figure 11). However, Ueda et al. do not disclose that the envelope including a translucent portion.

Note that it is old and well known that transparent or translucent portion are interchangeable and/or can also be used in combination. It would have been obvious to one skilled in the art to which the subject matter pertains to use the translucent portion in place of the transparent portion of Ueda et al. to enhance even and uniform illumination.

9. Claims 2, 5 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 26, 28 and 29 would be allowable if rewritten to overcome the objection set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. Claims 15 to 24 and 27 are allowed.

12. Claim 27 is allowed because the prior art whether individually or in combination does not suggest an elongated envelope including a first opaque leg and a second opaque leg interconnected by a translucent portion with the envelope defining a first axis along its greatest dimension and a second axis transverse to the first axis and the other features as claimed in claim 27. Claims 15 to 24 further limit claim 27 as such are also allowed.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.
March 31, 2005



Y Quach Lee
Patent Examiner
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